

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

IN RE:

ALAN DEATLEY LITIGATION

NO. CV-06-0278-JLQ

**ORDER ON STIPULATION AND
REQUEST FOR PAYMENT OF
FUNDS**

According to the stipulation agreed to by all parties and filed on December 14, 2007 (Ct. Rec. 253), parties Alan DeAtley and Richard B. Price have settled the claims between them. Holland and Knight and Andrew Smythe and Paine Hamblen have not objected to the distribution of the funds held by Smythe and Paine Hamblen without fee. Pursuant to the parties "Stipulation on Payment of Funds, Striking of Motions and Proposed Settlement" (Ct. Rec. 253) and having determined there is no just reason for delay, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Sixty Thousand Dollars (\$60,000.00) of the funds held in the Paine Hamblen Trust Account shall immediately be released in the form of a check made payable to and delivered to Richard B. Price; and that Richard Price shall not be liable for any payment of fees to Andrew Smythe or Paine Hamblen accrued in the holding of the trust.

2. Any motions currently noted as of this date by Richard B. Price against Alan DeAtley and/or his counsel are hereby withdrawn, unless otherwise also noted or joined by any other party. The clerk of the court is hereby directed to **ADMINISTRATIVELY TERMINATE** Price's Motion for Fees and Costs under 28 U.S.C. § 1927 (**Ct. Rec. 177**) and Price's Motion for Summary Judgment on Legal Malpractice Claim (**Ct. Rec. 243**). To the extent Holland & Knight has requested joinder in Price's motion for summary judgment (Ct. Rec. 249) and relies upon Price's

1 summary judgment pleadings, this ruling shall have no effect upon the court's
2 consideration of such motion. The parties need not re-file relevant pleadings in light of
3 Price's withdrawal and the court's termination of Price's motion.

4 3. Any upcoming dates related to further proceedings, including discovery and
5 trial, are suspended as to the Settling Parties Deatley and Price pending the finalization
6 of settlement.

7 4. Within ten (10) days of payment of funds between Richard B. Price and
8 Alan DeAtley, a proposed stipulation and order shall be forwarded to this Court
9 providing that any and all claims between the Settling Parties shall be dismissed with
10 prejudice in Eastern District Cause Nos. CV-06-0278-JLQ and CV-06-0309-RHW, with
11 each party bearing its own costs, and without costs or attorney fees being awarded to
12 either party.

13 5. **Ct. Rec. 253** and **Ct. Rec. 254** appearing on the docket as stipulated
14 motions shall be **ADMINISTRATIVELY TERMINATED**.

15 **IT IS SO ORDERED.**

16 The Clerk of this court shall enter this Order and forward copies to counsel.
17 Counsel shall notify counsel for Paine Hamblen of this Order.

18 **DATED** this 17th day of DECEMBER 2007.

19 s/ Justin L. Quackenbush
20 **JUSTIN L. QUACKENBUSH**
21 **SENIOR UNITED STATES DISTRICT JUDGE**
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